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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 941st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 August 1992, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Eighth, ninth, tenth and eleventh periodic reports of Greece (CERD/C/210/Add.1) (continued)

1. Mr. SONG Shuhua congratulated the Greek delegation on the logical and concise report submitted by its country (CERD/C/210/Add.1), but said he would have welcomed additional information on a number of points. He wondered whether the three ethnic groups mentioned in paragraph 21 of the report were all Muslim, what proportion they represented in terms of the total population of the country and what their birth and death rates were. He also wondered what their economic situation was as compared with other population groups, whether implementation of the economic programme for Thrace referred to in paragraph 20 had begun and whether there were any Yugoslav or Albanian immigrants in Greece and, if so, what their status was.

2. He noted with satisfaction that universities and higher educational establishments had included study of the Convention in their curricula. He asked, in view of the waves of emigration in recent years, what the policy of the Greek Government was with regard to immigration. Were all immigrants treated in the same way, particularly at border posts and, if discrimination existed, what measures were being taken to combat it?

3. Mr. DIACONU stressed how important it was to know about the population structure of a country in order to form an idea of the real situation there in terms of discrimination, and he expressed the view that the Committee should make a recommendation to that effect to States parties. He wished to know whether the Muslim minority of Thrace was represented in Parliament and what role it played in political life. He also asked what the situation was with regard to the Albanian and Macedonian minorities?

4. Referring to paragraph 46 of the report, he wondered whether the fact of allowing a religious authority, in the circumstances the Muslim religious leader, to exercise judicial responsibility was not a source of discrimination and of many problems. He would moreover have welcomed further information regarding the matter of culture and education for non-Greek populations. It was not enough to say, for example, that Turkish language instruction was part of the curriculum. Finally, he expressed the hope that the question of

minorities, which was complex to say the least in that part of the Balkans, would not be used for political ends in the future.

5. Mr. RECHETOV merely wished to point out to the Greek delegation that there were many different points of view as to whether or not the sensitive problem of self-determination should be considered in the framework of human rights protection.

6. Mrs. SADIQ ALI was concerned by the fact that under article 19 of the Greek Nationality Act, citizens, who were not of Greek ethnic origin, particularly Greek Muslims, could be deprived of their nationality, without any effective right of appeal if they went abroad to work or study. With regard to Macedonians, she wondered whether it was correct that in August 1990, the Governor of a district in the region had organized cultural festivities in which a Macedonian group had been due to take part and whether it was true that Greece did not recognize the Macedonian language, regarded as a dialect. She requested information on the language in which Macedonians received primary education. She also stated that it would be useful to know the names of the countries to which the bilingual persons referred to in paragraph 24 of the report belonged.

7. Mr. ABOUL-NASR began by pointing out that no State could claim not to have any problems with regard to discrimination. It was the Committee's responsibility to help overcome such problems. The question of the application of the provisions of Islamic law to certain aspects of civilian life was not of great concern, since Greece was far from being the only country in the world where such provisions were put into effect. With regard to the question of language, a problem only arose when an individual was deprived of the opportunity to learn his mother tongue. As far as he was aware, foreigners living in Greece, and in particular Egyptians, were experiencing no problems.

8. However, the report of Greece needed some clarifications. Firstly, it seemed to be confusing Turks and Muslims, a confusion which was widespread but none the less regrettable in that part of the Balkans. The term "Muslim" referred not to a nationality but to a religion. The breakdown of the Muslim minority given in paragraph 21 of the report was unclear: did the 50 per cent of persons of Turkish origin have Greek nationality? Who were the Pomakes, and were the Gypsies all Muslim? Did they have the same rights and duties as other citizens and, in particular, were they required to undergo military service?

9. Furthermore, what was the situation of the Albanian minority living in Greece? He wondered why it was not mentioned in the report and said that if it was true that Greeks were treated differently according to their origin, the Committee should devote serious attention to that matter.

10. Mr. de GOUTTES thanked the Greek delegation for its statement which was brief but went into considerable legal detail. Noting that for various historical, political and geographical reasons, the world expected a great deal from Greece in the area of human rights, he stated that there were some gaps in the report on specific points, particularly with regard to residual discrimination and the situation of minority groups. He hoped that such gaps would be filled in a future report.

11. He would have liked examples of associations that were reported to have been disbanded and of groups pursuing racist or discriminatory goals. With regard to paragraph 43 of the report, he inquired why the provisions providing for the punishment of racist acts had never been applied. Were citizens not sufficiently informed or was it because of obstacles in the way of access to justice or indifference or reluctance on the part of the judicial authorities? Given that Greece had replied to individual requests before the European Court and Commission of Human Rights and that no complaints of racial discrimination had been lodged with those bodies, he asked why Greece was not intending, in the near future, to make the declaration provided for in article 14 of the Convention.

12. Mr. van BOVEN emphasized the need, having regard to the diversity of national situations, for the reports of States parties to include as much information and clarification as possible and to be submitted within the prescribed time-limits. He was pleased to note that the procedure for the ratification by Greece of the International Covenant on Economic, Social and Cultural Rights was nearing completion and hoped that Greece would also ratify the two Additional Protocols.

13. With regard to Act 97/1979 promulgated pursuant to article 4 of the Convention, he wished that the Greek delegation would submit statistics or cite specific cases concerning its application. There were bound to be problems. He noted with satisfaction that the Act had been amended in 1984 so that it also covered discrimination on religious grounds.

14. Regarding the application of article 6 of the Convention, he wondered whether the remedies provided for under article 57 of the Greek Civil Code, which were intended essentially to protect the reputation of individuals, were not confined to too limited an area. Furthermore, he hoped that Greece was also actively planning to make the declaration provided for in article 14 of the Convention.

15. Having learned that persons had recently been tried and convicted for having published their opinions on Greek foreign policy and on the question of minorities which were not in accordance with those of the Government, he asked the Greek delegation whether that information was correct and whether it reflected the official position of its country.

16. Mr. GARVALOV said that it was known how much progress had been made by Greece on the road to democracy. With regard, however, to the incorporation of international instruments into domestic law, some ambiguity remained, as had already been observed by Mr. Wolfrum.

17. Referring to certain questions left unaswered by the report under consideration, he noted firstly that paragraph 15 dealt with the relationship between the State and religion and said that one might well wonder why. With regard to paragraph 16, he asked if there were political parties in Greece formed on an ethnic basis. Concerning paragraph 21, he pointed out that Thrace was also, in part, on Turkish and Bulgarian territory. In Greek western Thrace, the Pomakes referred to in the paragraph were, in fact, of Bulgarian origin but were Muslim and in that region there was a mixture of peoples living together. In Bulgaria, there were also citizens of Turkish origin, and they were represented in Parliament. With regard to the Gypsies, also mentioned in paragraph 21, some of them were Christians and others Muslims. He recalled in that connection that a treaty had been signed in 1925 between Bulgaria and Turkey defining the status of Muslims in Bulgaria and of Bulgarians in Turkey.

18. The problem of minorities in that part of the world should not be underestimated, and the situation in Yugoslavia should serve as a lesson in that respect. For many years the rights of minorities there had been proclaimed and the problem had been thought solved, but now a terrible civil war was raging there. Nor were other countries immune from such threats, and for that reason every effort had to be made to solve the problems by democratic means. It was known that Yugoslav Macedonia had opted for independence in

September 1991 and that the choice had been confirmed by referendum the following month. There was also a Macedonian community in Greece and the question was how its ethnic identity was to be recognized in the framework of the State.

19. Nevertheless, the Committee should refrain from asking Greece embarrassing questions not put to States that had not ratified the Convention. He assured the Greek delegation for his part that the Committee was motivated by a desire to see the Convention applied in all situations, including the new situations currently emerging in the world.

20. Mr. KRATEROS JOANNU (Greece), in reply to the questions raised by the members of the Committee, said that he had the impression that those questions concerned not only the Convention but the whole range of human rights. That was a source of gratification to him since he had himself been concerned with human rights in his country for a number of years. Some 60 questions had been asked which he could not answer one by one but would instead group them into categories. Questions that he could not answer immediately would be dealt with in the next report of Greece.

21. He first recalled that his country was a member of the European Community and that its foreign policy therefore fitted in with that of the Community. By way of example he referred to the decisions taken shortly before at the meeting in Lisbon.

22. With regard to the declaration provided for in article 14 of the Convention, he pointed out that Greece was currently planning to set up a department which would deal with all petitions submitted under international instruments.

23. Specific texts at the domestic level were necessary to allow Greek courts to apply the Convention directly. To that end, Act 97/1979 had been promulgated, and the Committee had already been informed about that law in previous reports submitted by Greece. So far, no sentences had been passed on the basis of that law, simply because, however, there had been no complaints, a situation to be explained by the fact that Greek society was without racist tendencies. Thus, racial discrimination did not exist with regard to housing. If a problem arose in that connection, the victim could appeal to the Attorney-General.

24. With regard to the question of minorities, he recalled that the treaty signed in Lausanne in 1923 (which bound not only Greece and Turkey but also major Powers like the United Kingdom and France) had provided that Muslims could remain in western Thrace, whilst persons of Greek origin could stay on Turkish territory.

25. There were currently, in that part of western Thrace situated on Greek territory, a Muslim minority which, as was noted in the report, was estimated to be composed of between 110,000 and 150,000 persons. Of those only a few dozen had lodged complaints. In fact, in Thrace, there were a small handful of agitators requesting annexation to another country; the rest of the community lived in peace. Western Thrace had long remained underdeveloped but major steps had been taken to help the Muslim minority, to the extent indeed of triggering resentment among the orthodox population. Development was ultimately the means to solve the problems of the region. Greece was, moreover, particularly sensitive to the problem of minorities in view of the fact that there were many Greek minorities outside the country. In particular, Greece was a co-sponsor of the draft world declaration on minorities.

26. Incidents had occurred in 1990 in Komotini, the central town of western Thrace which he knew well having studied at university there. The reported incidents had not in fact been racial in character and had involved opposing groups from the same community. In addition, no complaint had been made to the Attorney-General and there had been no reason to give effect to Act 927/1979. Moreover, the Muslim minority in Thrace did not generally ever appeal to the Greek courts. The expropriation measures that had been taken had affected both Christians and Muslims (82 per cent of property owners were Christians and 18 per cent Muslims), but no protest had been lodged with the courts.

27. With reference to parliamentary immunity, it needed to be made clear that legal action had been taken against Mr. Ahmed Sadiq when he was no longer a member of Parliament for having engaged in activities likely to harm relations between Greece and other States, and no country could allow one of its citizens to advocate the annexation of a part of the national territory to another country. Mr. Ahmed Sadiq had, however, only received a fine. Moreover, two Muslim members of Parliament were currently in office and even though they were fomenting hatred, no action was being taken against them.

28. Furthermore, the Greek electoral system provided for a threshold of 3 per cent of votes for parties to be represented in Parliament, which was less than in many other countries. In fact, Turkey, which complained that the 3 per cent threshold prevented Muslim representation, had itself set the threshold at 10 per cent.

29. With regard to the Muftis, he recalled that Greece had granted them legislative powers and that, as a result, they had to be nominated under a specific procedure: the Muslim community proposed three persons to the Greek authorities which appointed one of them.

30. With respect to the question of the Albanian minority, he wondered what exactly was meant by the term "minority". If no more than a few families scattered around the country could be so designated, then there was indeed an Albanian minority in Greece. However, it should be recalled that a large part of Albanian territory had been under Greek authority until the Second World War and it was more appropriate to speak of a Greek minority in Albania. Concerning the question of Macedonia, that was a region divided among Greece, Bulgaria and former Yugoslavia. The idea of a Macedonian ethnic group was not a sociological reality but had been invented by Marshal Tito with a view to creating a new State. There was then no Macedonian minority in Greece but merely citizens who spoke a language very similar to Bulgarian.

31. In reply to the question whether a racist association could be dissolved by a Greek court, he declared that he was not aware of any such case.

32. Finally, he requested members of the Committee to forgive him if he had not replied to all their questions. His country would provide full and detailed replies in its next report.

33. Mr. WOLFRUM, speaking as country rapporteur, thanked the Greek delegation for having tried to reply to the questions asked and for having made it possible to resume and expand the dialogue between the Greek Government and the Committee. Not all the questions had been addressed, however, and some replies were hardly convincing. He therefore looked forward with interest to the next report that was due to be submitted by Greece in two years' time.

34. Mr. ABOUL-NASR, returning to the problem of Macedonia, said that the inhabitants of the region did indeed constitute an ethnic group since they had their own language and wanted to live together.

35. Mr. FERRERO COSTA expressed surprise at certain statements made by the Greek delegation, in particular by the sweeping assertion that the fact that the courts had never had to deal with racial cases showed that there was no discrimination of that kind in Greece. He would welcome further information in the next report of Greece on measures taken by the Government to ensure the implementation of the provisions of article 5 of the Convention.

36. Mr. van BOVEN noted that the Greek delegation had not replied to all of the many questions asked. He hoped that the following report would contain answers to the outstanding questions and would be submitted within the time-limits.

37. The CHAIRMAN proposed that Mr. Wolfrum be allowed the time required to prepare his conclusions and thanked the Greek delegation for having presented its country's report and for having provided additional information.

38. The Greek delegation withdrew.

Tenth and eleventh periodic reports of Costa Rica (CERD/C/197/Add.8)

39. At the invitation of the Chairman, Mr. Rhenan Segura, Mr. Rodríguez Alpizar, Mr. Muñoz and Mr. Valerio (Costa Rica) took places at the Committee table.

40. Mr. RHENAN SEGURA (Costa Rica) began by recalling that Costa Rica had been the first country to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as one of the first countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, on 4 January 1969, which showed its constant interest in human rights.

41. Costa Rican society had been formed in a quite distinctive way since, in contrast with other American countries, there had never been any slaves or large landowners in Costa Rica. The country had therefore been able to establish democratic institutions which it had developed throughout the colonial period and had consolidated until the present day. The country currently had a well-deserved international reputation in the area of promoting and protecting human rights.

42. Introducing the report of his country (CERD/C/197/Add.8), he recalled that it dated from the second half of 1991 and that some information needed to be updated. As a former member of the Committee, he also acknowledged that the document in question did not comply with the criteria laid down by the Committee. It contained no statistical data, was unclear in parts and gave a

great deal of information on certain historical or secondary facts while leaving out important points concerning discrimination. The fact was that Costa Rica was lacking in competent staff and had to discharge so many international obligations that the Ministry of Foreign Relations was overburdened with work. Costa Rica had ratified all existing international instruments, except the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and that exception had been due to legislative problems which had not been able to be resolved.

43. The main gap in the report of Costa Rica was that it did not contain a chapter dealing with the black population of the country, which comprised 17,000 persons or 0.56 per cent of its total population. The black community lived mainly in the Limón region, and in the centre of the country, in particular in the capital, and was fully integrated into the economic and social life of the country. The Constitution, like other legislation such as the Prohibition of Discrimination in respect of Employment Act and the Health Act along with the Civil Code, the Criminal Code and the Labour Code, prohibited all form of discrimination based on race, colour, sex, political opinion, national or social origin, filiation or economic situation such as to limit equality of opportunity or treatment in respect of employment.

44. For that reason, Costa Rica had no statistics relating specifically to the black population since all racial distinctions were prohibited. Blacks had access, in the same way as whites, mixed race groups and the indigenous population, to all social services. Blacks were elected to Parliament and in 1986-1990 a black member of Parliament was Vice-President of the Congress. There were ambassadors and other diplomats, judges, senior officials at the University of Costa Rica and writers who were black. An important cultural movement was researching the origins of this Jamaican and West Indian component of Costa Rican society and, in the province of Limón, a museum of black civilization had been opened with the main aim of highlighting the economic and cultural contribution made by the black population in the country. Furthermore, through the initiative of several university professors, black literature had made great strides in recent years. Also, for about 30 years, despite the country's difficult economic situation, there had been three English-Spanish bilingual State schools in the province of Limón to prevent the black population from being cut off from its roots.

45. What was more, Costa Rica was sparing no efforts in the educational field and its literacy rate was one of the highest in the world, as evidenced by UNDP's Human Development Report 1991. Curricula were structured in such a way as to teach children from the earliest years to respect others and their differences. Children were taught the various cultural principles in order to combat the prejudices at the root of discrimination and were familiarized with the provisions of the main international human rights instruments.

46. It was noteworthy that, with a view to the regional conference preparatory to the World Conference on Human Rights, which would be held in Costa Rica in December, the Special Commission formed for that purpose had launched a human rights campaign, particularly with regard to the most vulnerable groups in society, namely women, the indigenous population, children, the elderly and refugees.

47. With regard to the situation of the indigenous population, he was anxious to furnish explanations concerning the allegations directed against the Government of Costa Rica by CODEHUCA (a non-governmental human rights organization) at the last session of the Commission on Human Rights to the effect that a group of indigenous persons living in the south west of the country had been abused and persecuted. The facts were that a patrol of 12 policemen had gone to the Talamanca region following complaints by several inhabitants that cannabis was being grown in the region. On 22 February, the patrol had clashed with presumed drug traffickers, including a number of indigenous persons, and two persons had been killed. The policemen had arrested several persons and were alleged to have exacted various payments from them. The Government had immediately requested the opening of a judicial inquiry. The 12 policemen had been suspended from their duties and held in detention. Three of them were still in prison. It would be for the courts to determine responsibilities and the punishment to be applied.

48. At the international level, the Government of Costa Rica had always condemned categorically the crime of apartheid and in 1986 had decided to break off diplomatic relations with the Republic of South Africa. Since 1967 all commercial relations with South Africa had been prohibited. Costa Rica had not recognized the Bantustans and had condemned the occupation of Namibia.

It had always voted for United Nations resolutions aimed at putting an end to apartheid once and for all and had been actively involved in the efforts to combat that scourge since it had served in turn as Chairman and Vice-Chairman of the Special Committee against Apartheid.

49. He recalled finally that Costa Rica had ratified ILO Conventions Nos. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 111 concerning Discrimination in respect of Employment and Occupation and 100 concerning Equal Remuneration.

50. Mr. DE GOUTTES, country rapporteur for Costa Rica, welcomed Mr. Rhenan Segura as a former member of the Committee with whom dialogue promised to be very fruitful. He paid tribute to Costa Rica which, in a region of the world rife with conflicts, was a country devoted to peace and tolerance, attached to democratic institutions characterized by political pluralism and the possibility for power to change hands and one of the rare States in the world to have proclaimed the abolition of the army in its Constitution.

51. Moreover, Costa Rica although not economically powerful had an influential position at the international level. It had been behind the new impetus given to the regional peace process with the ARIAS plan adopted in August 1987. Several international organizations were operating on its territory and the country itself was represented in many international organizations. In addition, Costa Rica was one of the States to have acceded to a considerable number of international human rights instruments. It had ratified the International Convention on the Elimination of All Forms of Racial Discrimination as early as January 1967 and in January 1974 made the declaration provided for under paragraph 1 of article 14. Costa Rica had always been concerned to maintain dialogue with the Committee and to submit regularly its periodic reports on the application of the Convention.

52. Lastly, Costa Rica was a country of jurists, with a profound respect for the law, where institutions and provisions for the protection of human rights were strongly defended.

53. Clearly, then, Costa Rica was a country subject to the rule of law, but - precisely because it aspired to be a model of democracy in Central America - there were questions to be asked about a few points that remained unclear.

Thus, despite the homogeneity of the population and of society in Costa Rica, acute problems could still arise for persons belonging to minorities, notably indigenous populations, black populations and refugees. On that point, the report of Costa Rica under consideration (CERD/C/197/Add.8) revealed certain shortcomings, as the representative of that country had just admitted.

54. As far as the positive aspects of the report were concerned, and with reference to the questions that had been raised by members of the Committee in 1987, it could be stated that the Government of Costa Rica provided therein satisfactory information on four essential questions.

55. First, concerning the country's policy on apartheid, paragraphs 55 to 65 of the report gave a very comprehensive account of the measures taken in that regard.

56. Secondly, the report contained very interesting information on how international instruments took precedence over Costa Rican domestic law; paragraphs 88, 89 and 140 to 142 showed that under article 7 of the Costa Rican Constitution, international instruments approved by the Legislative Assembly took precedence over the laws of the country upon their promulgation. In addition, articles 10 and 48 of the Constitution gave the Constitutional Court jurisdiction in respect not only of actions of unconstitutionality but also of remedies of habeas corpus and amparo, including cases involving violations of the fundamental rights laid down in international instruments: thus, it was formally recognized not only that the provisions of international law were of a higher rank than domestic laws, but also that they were of equal rank with constitutional provisions.

57. Thirdly, the report under consideration laid particular emphasis on the unique institutional machinery existing in Costa Rica for the protection of human rights. Special mention should be made in that connection of the Constitutional Court division of the Supreme Court of Justice (with jurisdiction in respect of the remedies of habeas corpus and amparo), the National Indigenous Affairs Commission, the Office of the Ombudsman for Human Rights, an office attached to the Ministry of Justice and set up in 1990 which appeared to have very wide-ranging powers, the National Refugee Commission, and lastly the Offices of the Ombudsman for Women and the Ombudsman for Children, which were described at length in the report.

58. Costa Rica had endeavoured in the report under consideration to respond to the requests made earlier by the Committee for information on the demographic and ethnic composition of the population. However, although there was a great deal of information about the population in general, there was all too little about the ethnic and indigenous groups, which were of most interest to the Committee. It was true that the geographical distribution of the seven indigenous groups in the country was given in paragraph 65, but that was not enough. It was somewhat surprising, for example, that paragraph 64 should state that there was no reliable estimate of the number of indigenous people; the figure of 19,050 persons living on reservations, accounting for 1 per cent of the country's total population, was advanced, whereas the proportion of 0.5 per cent had been quoted in Costa Rica's previous report. It would be helpful if in future the Government could provide more detailed demographic data on minorities, as indeed the representative of Costa Rica had just undertaken to do.

59. The report had a number of weaknesses. According to the Committee's guidelines, periodic reports should consist of two parts - first, a general part describing the situation in the country, and secondly, an analytical part, describing how each article of the Convention was implemented in practice; the document now before the Committee did not exactly comply with those requirements.

60. The report's first weakness concerned its general part, which contained too much data of no direct interest to the Committee, such as for example the long descriptions of the country's geography, its constitutional development and its administrative structure. Similarly, the information given in paragraphs 119 to 121 on the protection of women and children came more within the terms of reference of other bodies. On the other hand, the general part did not provide data that would have been useful on social, economic, political or other indicators with a direct bearing on problems of discrimination. For instance, regarding developments in the country's economic situation, the report offered no up-to-date figures on the rate of inflation, the foreign debt burden, trends in per capita GNP and GDP, the unemployment rate, the social cost of the reforms demanded by the IMF, etc. Where the social situation was concerned, information on possible social conflicts, on any tensions that might exist in the most disadvantaged parts of large towns, and on measures taken in shanty-town areas, would also have been useful.

Lastly, the Committee would have liked to know more about recent political developments, notably about reforms introduced since the election of the new President of the Republic.

61. The second weakness of the report was the incompleteness of its second part, which should have consisted of an article-by-article analysis of how the Convention was being implemented. It was true that there was some information on the matter dotted around in chapters III, IV and V, but it was set out piecemeal and not in accordance with the systematic method recommended by the Committee. For that reason, he would be led to raise a number of questions, following the order of the provisions of the Convention.

62. First, concerning article 2 of the Convention, some explanations were given regarding the measures taken on behalf of two minority ethnic groups, namely Indians and refugees, but the black population was not mentioned in the written report, although in his oral introduction the representative of Costa Rica had provided useful details in that connection. Paragraphs 67 and 103 to 111 contained comprehensive and useful information on laws and decrees enacted to protect the indigenous population. However, the report was not sufficiently explicit on the practical difficulties still encountered by Indians on a daily basis. Those difficulties had been described, in particular, by the Commission for the Defence of Human Rights in Central America (CODEHUCA) at the forty-eighth session of the Commission on Human Rights; they had concerned health, education, land ownership and freedom of movement, and further explanations on those points would be necessary. In addition, a number of questions were prompted by the parts of the report relating to indigenous groups, regarding for example the practical means of action available to the National Indigenous Affairs Commission. Since the 1977 Act which had granted 140,000 hectares of land to the indigenous people, had any measures been taken to continue to distribute land, regulate land use more strictly and, most importantly, prevent unlawful evictions? According to some sources, notably CODEHUCA, there had recently been several cases of the land rights of indigenous people being violated on the occasion of mineral prospecting operations. Lastly, an Indigenous Identification Act had recently been adopted in order to issue identity cards to the indigenous population: was it to be concluded that the identity of the indigenous people had not previously been recognized?

63. With regard to the refugees who had entered Costa Rica in large numbers fleeing conflicts in the region, it could be considered that paragraph 114 of the report gave satisfactory replies to the questions raised by the Committee in 1987 (on the one hand, reception arrangements, and on the other, setting up of the National Refugee Commission). However, where the black population was concerned, the information given was very inadequate. Thus, paragraph 111 noted merely that the black population was "fully integrated in the nation's political and economic development", but the Committee would certainly not be satisfied with such a categorical and optimistic statement. In fact, according to other sources of information, Blacks in the province of Limón had enjoyed right of access to the central valley for only some 40 years, and according to some reports, even now they were almost never seen there except on festival days. The Costa Rican Government should therefore provide more detailed information on the actual situation of Blacks in the country. More generally, if the actual situation of all minority ethnic groups was to be properly assessed, information would need to be provided on the usual social indicators of non-integration: rates of unemployment, delinquency, alcoholism, prostitution, illiteracy, suicide, etc., which were very reliable criteria for judging lack of adaptation to the rest of society.

64. The explanations given in the report on implementation of article 3 of the Convention were satisfactory. Concerning implementation of article 4 of the Convention, in addition to the principle that all discrimination was prohibited, a principle enshrined in article 33 of the Constitution of Costa Rica, the report listed a number of legislative enactments prohibiting racial discrimination, but the list appeared to be incomplete where the requirements of article 4 were concerned. No information was provided as to whether there was any legislation declaring propaganda or the dissemination of ideas based on racial superiority or hatred, as well as acts of violence, or incitement to such acts against any race or group of persons on the grounds of their colour or ethnic origin, to be offences punishable by law. Nor did the report indicate whether there was any legislation prohibiting racist organizations and racist propaganda activities, and declaring participation in such organizations or activities an offence punishable by law. It should also be noted that the penalties provided for under article 385 of the Criminal

Code for incitement to hatred were relatively mild: it would be interesting to know what degree of seriousness was attributed to that offence in the scale of penalties in force in Costa Rica.

65. Although the principle of equality of all persons before the law enshrined in article 5 of the Convention was proclaimed in article 33 of the Constitution, and despite the various decisions of the Supreme Court cited in paragraph 150 of the report, information obtained on the situation of ethnic minorities in Costa Rica suggested that those groups did not in fact enjoy all the rights provided for under the Convention. For example, the right to equal treatment before the courts could only be verified if the Committee knew the actual number of complaints lodged by Indians and Blacks on which a decision had been handed down; similarly, the right to security of person, and to protection against violence or bodily harm inflicted by government officials or by other persons, was no doubt safeguarded in law by the existence of the remedies of habeas corpus and amparo; but when Indians were victims, for instance, of evictions, acts of bodily harm or violence, were they in a position to avail themselves of those remedies? Were they informed of their rights, and did they have the necessary means to enforce them? With regard to political rights, what was the percentage of Indians and Blacks who took part in elections, and what percentage were employed in the public service at all levels? Was the right to freedom of movement and residence fully guaranteed in the case of the Indians, in view of the fact that they had been settled in reservations, and that, according to CODEHUCA, they required a permit from the National Indigenous Affairs Commission to change reservations? Was not the right to property limited in the case of Indians confined to such reservations? Did the Indian populations fully enjoy, on an equal footing with other citizens, the other freedoms enumerated in article 5 of the Convention: right to nationality, right to choice of spouse, right to freedom of religion and opinion, right of access to public places, etc?

66. Lastly, despite the measures for the protection of human rights cited in paragraphs 92-110 of the report, the living conditions of the Indians, which appeared to be extremely precarious, were bound to make it very difficult for them to enjoy their economic, social and cultural rights (right to health, to medical care, access to social services, right to work, to housing, to education and vocational training, etc.). CODEHUCA had referred in particular in that connection to prostitution among young indigenous people, persistent

illiteracy, epidemics, and high infant mortality. The Committee would undoubtedly wish the Costa Rican Government to provide it with a more realistic picture of the actual situation of the Indian populations in subsequent reports.

67. Concerning article 6 of the Convention, he noted that the report contained interesting explanations of the remedies of habeas corpus and amparo and cited a number of provisions prohibiting and penalizing discriminatory measures. However, no statistics were provided on the number of complaints lodged and sentences handed down, and no example was given of any case of racism which had led to a conviction: that was a very unfortunate omission, since it meant that the Committee was thus deprived of one of the means of ascertaining whether the Convention was really being implemented. The Costa Rican Government should therefore provide detailed information in its next report on complaints and convictions in regard to racism, with all the relevant statistics available, including if possible the percentage of complaints and convictions for offences against Indians, Blacks and refugees.

68. Concerning implementation of article 7 of the Convention, the report provided interesting information on the cultural role of the National Indigenous Affairs Commission, on the bilingual policy pursued in areas where indigenous peoples lived, on the existence of schools for indigenous groups, and on civic education courses. Other members would no doubt have questions to raise on those matters, and he would confine himself to asking how many schools the indigenous peoples had, what proportion of them attended such schools, how many Indians went on to higher education, how many indigenous persons occupied responsible positions both in the public sector and in the private sector, and what cultural activities for indigenous populations were offered - for instance, radio or television programmes, or videos in the appropriate languages. Lastly, did the Costa Rican Government protect and encourage expressions of the Indians' own distinctive culture, such as art and music?

69. Mrs. SADIQ ALI found the report (CERD/C/197/Add.8) difficult to assess, in that it was not drafted in accordance with the Committee's guidelines and did not reply to questions raised at the time of consideration of Costa Rica's previous report.

70. She would confine herself to the question of indigenous populations, since the report contained a number of contradictory statements in that regard. Thus, the Government claimed that there was no Indian problem, while at the same time admitting, in paragraphs 64, 106 and 107, that those populations, in addition to being geographically and socially marginalized, remained "deliberately and tenaciously isolated". In paragraph 67 of the report reference was made to "the abuses suffered by the native population" and to the legislation granting them 140,000 hectares of land. Since the reservations were inhabited by 25,108 individuals, only 19,050 of whom were indigenous, it was to be concluded that the latter were far from living in total isolation. What was the economic, social and cultural status of the two population groups living in the reservations, and how were their respective situations to be compared? How had the 140,000 hectares of land been allocated, and in what way had the land so granted improved the lot of the persons concerned? Statistics would be useful in that connection.

71. The 5,000 Guaymis, who were thought to be descendants of the original inhabitants of Costa Rica and who had been listed in a separate category, had organized a protest demonstration in the capital in July 1990, demanding to be recognized as citizens of the country - a demand which had now been granted; previously, they had possessed only temporary residence permits, which cost $43 to renew - an exorbitant sum for most of them. How had the authorities gone about issuing them with identity cards, in view of the fact that some Guaymis spoke no Spanish and did not know their date of birth? Was that population group now covered by the Costa Rican social security and health insurance system? In addition, it would be interesting to know to what extent population groups of non-European origin had access to the system of secondary education set up in 1949, and to what extent they were able to buy land, take out bank loans, and hold office at local government level, as well as take part in the planning and execution of projects that concerned them.

72. In paragraph 106 of the report, mention was made of indigenous populations who had migrated to Costa Rica more than 30 years ago: were they included among the 19,050 persons referred to in paragraph 64, and what was their social, economic and cultural situation?

73. Generally speaking, the picture of the indigenous populations given in the report was somewhat confused, and the Committee would need to be provided with more structured data. It would also need to know how the Government was

tackling the task of establishing infrastructures in reservations which, because they were so far away, had too few schools and inadequate medical services and power and drinking water supplies.

74. Mention was made in paragraph 62 of the high degree of mixing between population groups in Costa Rica. Specific demographic data concerning the mixed race groups would be useful, as well as details about their current position in the social hierarchy - level of education, types of employment, housing, etc.

75. Paragraph 114 of the report mentioned the 350,000 Central Americans who had sought asylum in Costa Rica. Since Mr. de Gouttes had already referred to the problem of refugees, she would not return to it. It was, however, stated in the aforementioned paragraph that most of the persons concerned had "a low cultural level", a somewhat condescending expression which smacked of racial discrimination. It was stated in paragraph 89 that racial discrimination did not constitute a problem in Costa Rica, because there was no restriction or inequality of opportunity on the grounds of racial or ethnic origin: that was perhaps true in the legal sense, but the attitude of the white population towards indigenous people, Blacks or refugees did not really seem to have changed. In that context, it would be interesting to have access to reports issued by non-governmental bodies concerned with human rights in Costa Rica. In his statement, Mr. de Gouttes had himself relied to a large extent on the very illuminating report produced by one of those bodies. In her view, any human rights violation brought to the attention of such bodies should be reported to the Committee. It would also be useful for it to have details on the activities of the Ombudsman, and to know whether poorer citizens were eligible for legal aid.

76. In regard to labour legislation, workers' representatives claimed that the Labour Code of 1943 was out of date, particularly in respect to grounds for dismissal. Did the Government of Costa Rica have any plans for amending that code?

77. Mr. BANTON endorsed the comments made by the preceding speakers, with the exception of the request for what he considered to be exaggeratedly detailed demographic statistics.

78. He would appreciate clarification on the following questions concerning the indigenous populations: what action had been taken following the criticisms levelled at the National Commission for Indigenous Affairs? Were

deforestation activities, which were harmful to the natural environment of the indigenous population, continuing in the Boruca region? Had the deficiencies in health services noted in the region of Cabagra been remedied, and what procedures for consultation on such matters existed? Were the procedures for the issuing of identity cards to the indigenous population in conformity with the provisions of the Convention? Concerning the drilling operations in an indigenous "region" mentioned in paragraph 66 of the report, did the term "region" imply the traditional lands of indigenous groups, or lands which they were occupying without title? The question of land rights should be covered in more detail in the next report. What were the abuses referred to in paragraph 67 of the report? Did police training take into account the provisions of the United Nations Code of Conduct for Law Enforcement Officials? Lastly, the Costa Rican Commission on Human Rights (CODEHU) had expressed its concern about the partiality of reports on human rights, arising from the fact that non-governmental organizations working in the field of human rights were not consulted by the authorities responsible for preparing reports. Did Costa Rica plan to consult such organizations for that purpose in the future?

The meeting rose at 6.10 p.m.